

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

763T0375

SENATE ENGROSSED NO. **HB 1058** - 2/28/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on State Affairs at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to make an appropriation to the Unified Judicial System
2 court automation fund and revise certain record search fees charged by clerks of court.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby appropriated from the general fund the sum of one dollar (\$1),
5 or so much thereof as may be necessary, to the Unified Judicial System court automation fund
6 created in § 16-2-38 for costs related to the court automation system.

7 Section 2. The Chief Justice shall approve vouchers and the state auditor shall draw warrants
8 to pay expenditures authorized by this Act.

9 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall
10 revert in accordance with the procedures prescribed in chapter 4-8.

11 Section 4. That § 16-2-29.5 be amended to read as follows:

12 16-2-29.5. The clerk of court shall charge a records search fee in the amount of ~~fifteen~~
13 twenty dollars for each record search conducted if the search is requested by a person who is not
14 a party named in the action for which the search is being requested. The clerk shall charge a fee
15 of five dollars if the requesting party certifies that the search is being requested in conjunction



1 with a pending state or federal cause of action. A separate fee shall be charged for each name,
2 whether individual or corporate, for which a search is requested. The clerk shall deposit the fee
3 in accordance with § 16-2-43. The clerk may not charge a records search fee if the search is
4 requested by an attorney of record or any member of the attorney of record's law firm or staff.

5 Section 5. After June 30, 2017, notwithstanding § 16-2-29.5, the clerk of court shall charge
6 a records search fee in the amount of fifteen dollars for each record search conducted if the
7 search is requested by a person who is not a party named in the action for which the search is
8 being requested.

9 Section 6. The provisions of this Act shall become effective January 1, 2013.